

Application No.: 10/085,567  
Amendment Dated: February 28, 2005  
Reply to Office Action of: November 30, 2004

MTS-3308US

**Remarks/Arguments:**

**Status of Claims**

Claims 1-7 are pending.

Claims 1-4 and 6-7 stand rejected, while claim 5 is indicated to be allowable if suitably rewritten in independent form.

No new matter is added by the claim amendments, and accordingly, entry and approval of same is respectfully requested. Support for the claim amendments can be found throughout the original specification, and, for example, at page 8, lines 20-22, page 10, lines 11-24, and page 11, lines 15-24.

**Allowable Subject Matter**

**Claim 5**

In the Action at page 2, claim 5 is indicated to be allowable if suitably rewritten in independent form.

Claim 5 has been suitably rewritten in independent form to render it allowable.

Reconsideration is respectfully requested.

**Rejection Under 35 U.S.C. § 102(e)**

Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Armstrong (U.S. Patent No. 6,682,841).

### **Claim 1**

Claim 1 is directed to a fuel cell generation system, and recites "a burner placed within said first compartment; ... a disused hydrogen piping for supplying remaining hydrogen which has not been used by said fuel cell body to said burner, said disused hydrogen piping being placed within said first compartment."

### **Armstrong Reference**

Armstrong discloses that "byproducts, i.e., the anode exhaust 46 and cathode exhaust 38, optionally along with an additional source of air 54, are preferably directed from the fuel cell stack 24 through the waste energy recovery assembly 26 prior to exiting the fuel cell system as byproduct stream 60." (See Armstrong at column 6, lines 60-65.) That is, contrary to the recitation in claim 1, in Armstrong, the anode exhaust 46 is not placed within hot box chamber 18 (which the Examiner contends corresponds to the first compartment of the invention recited in claim 1). This is because in Armstrong, the anode exhaust 46 traverses into the main plenum chamber 12 (which the Examiner contends corresponds to the second compartment of the invention recited in claim 1) and, is thus, not placed within hot box chamber 18. In the event that a flammable gas leaks out of the anode exhaust 46 within the main plenum chamber 12, the leaking gas is sucked by the process air system 50 disposed within the main plenum chamber 12 such that an abnormal combustion or explosion can occur.

Accordingly, it is submitted that claim 1 patentably distinguishes over Armstrong, and is allowable.

### **Claim 2**

Claim 2, which includes all of the features of claim 1 from which it depends, is also submitted to be allowable for at least the same reasons as claim 1.

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Reconsideration is respectfully requested.

### **Rejection of Claims 3-4 and 7 Under 35 U.S.C. § 103(a)**

Claims 3-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Schmidt (U.S. Patent Publication No. 2004/0072046).

Claims 3-4 and 7, which depend from claim 1, are submitted to patentably distinguish over Armstrong for the reasons set forth above with respect to claim 1.

### **Schmidt Reference**

It is submitted that the additional reference of Schmidt does not overcome the deficiencies of Armstrong because Schmidt does not disclose or suggest "a burner placed within said first compartment; ... a disused hydrogen piping for supplying remaining hydrogen which has not been used by said fuel cell body to said burner, said disused hydrogen piping being placed within said first compartment, (as recited in claim 1)." This is because, in Schmidt, a water and hydrogen removal line 376 (corresponding to the disused hydrogen piping of the present invention) is not placed within second compartment 124 (corresponding to the first compartment of the invention recited in claim 1). This is because, like that of Armstrong, in Schmidt, the water and hydrogen removal line 376 traverses into the first compartment 120 (corresponding to the second compartment of the invention recited in claim 1). Thus, in the event that a flammable gas leaks out of the water and hydrogen removal line 376 within the compartment 120, the leaking gas is sucked by air pump 140 disposed within the compartment 120 such that an abnormal combustion or explosion can occur.

Claims 3, 4 and 7, which include all of the features of claim 1 from which they ultimately depend, are submitted to be allowable over Armstrong in view of Schmidt for at least the reasons set forth above.

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Reconsideration is respectfully requested.

### **Rejection of Claim 6 Under 35 U.S.C. § 103(a)**

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Schmidt and further in view of Lloyd et al. (U.S. Patent No. 6,532,792).

Claim 6, which depends from claim 1, is submitted to patentably distinguish over Armstrong in view of Armstrong for the reasons set forth above with respect to claim 1.

### **Lloyd et al. Reference**

It is submitted that the additional reference of Lloyd et al. does not overcome the deficiencies of Armstrong in view of Schmidt because Lloyd et al. does not disclose or suggest anything related to a burner or a disused hydrogen piping. This is because, Lloyd is directed to non-analogous art for compensation of gas sensors.

Accordingly, claim 6, which includes all of the features of claim 1 from which it ultimately depends, is submitted to be allowable over Armstrong in view of Schmidt and further in view of Lloyd et al. for at least the reasons set forth above.

Reconsideration is respectfully requested.

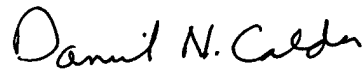
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## Conclusion

In view of the claim amendments and remarks set forth above, Applicants respectfully submit that claims 1-7 are in condition for allowance and early notification to that effect is earnestly solicited.

Respectfully submitted,



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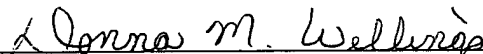
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Dated: February 28, 2005

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